

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
ILLINOIS, EASTERN DIVISION

L.A. Tan Enterprises, Inc., an Illinois corporation,) Case No. 08 CV 1629

Plaintiff,)

vs.)

) Judge Bucklo

Sunset Tan Corporate & Consulting, LLC, a)
California limited liability company;)
LA Sunset Tan, LLP, a California limited)
Liability partnership; Jeff Bozz, an Individual;)
Devin Haman, an Individual; and DOES 1 through)
10, inclusive,)

Defendants.)

Plaintiff's Motion for Extension of Time to Make Service on Defendants Pursuant to
FRCP 4(m)

NOW COMES Plaintiff L.A. Tan Enterprises, Inc., (hereinafter "L.A. Tan" or
"Plaintiff") and moves this honorable court for an extension of time to serve Defendants
as follows:

I. Background

Plaintiff filed its Complaint on March 20, 2008 against Defendants. Plaintiff
initiated a dialogue with Defendants on or about March 25, 2008 and the parties have
communicated in an effort to settle the dispute among them since that time. In written
communications exchanged on or about June 10, 2008, the parties reached a tentative
agreement on settlement terms and now work towards memorializing the terms in writing
and executing a settlement agreement.

II. Argument

FRCP 4(m) states that if a Plaintiff shows good cause for not making service on a Defendant within 120 days after the complaint is filed, the court must extend the time for service for an appropriate period. The 120 day period in this case will expire on July 18, 2008.

Within the 120 days following the filing of the complaint, counsels for Plaintiff and Defendants entered settlement discussions and have reached terms of settlement. The parties now work toward memorializing and executing a formal settlement agreement. Plaintiff seeks an extension of 120 days to allow the parties additional time to finalize a settlement agreement.

None of the parties would be prejudiced by an order granting Plaintiff's instant motion and judicial resources would be preserved by an order granting the motion; an order denying the instant motion would lay the foundation for an order dismissing Plaintiff's claims against Defendants under FRCP 4(m) and such a dismissal must be without prejudice and Plaintiffs would have no choice but to file a new cause of action against Defendants, further exhausting judicial resources. Plaintiffs have acted diligently at all times and do not bring this motion for purposes of delay or dilatory motive.

WHEREFORE, Plaintiff requests that this honorable court grant it additional time, up to and including November 14, 2008, to make service on Defendants.

Dated: July 10, 2008

Respectfully submitted,

/s/ Amir Mohabbat

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